

PLANNING AND ZONING COMMISSION
Monday June 11, 2007 – MINUTES – Regular Session

Call to Order: Time In: 7:00 p.m.

The Planning and Zoning Commission of the Village of Canal Winchester met on the above date for a regular session and was called to order by Mr. Christensen.

Roll Call

Present: Mr. Christensen, Mr. Graber, Ms. Solomon, Mr. Vasko and Mr. Wynkoop. Mr. Graber made a motion to excuse Mr. Harper and Mr. McCoy. Mr. Vasko seconded the motion. The motion passed unanimously.

Approval of Minutes

Mr. Vasko made a motion to approve the minutes of the May 14, 2007 regular meeting. Mr. Graber seconded the motion. Voting yes were Mr. Christensen, Mr. Graber, Mr. Vasko and Ms. Solomon. Mr. Wynkoop abstained. The motion passed 4-0-1.

Public Comment

There were no public comments.

Administer of Public Oath

Mr. Christensen administered the public oath.

Public Hearings

Application #ZA-07-03 Zoning Code Amendments to Chapter 1177, initiated by the Planning and Zoning Commission. The proposed amendment is to adopt any revisions to FEMA maps or studies by reference and declare them to be part of the floodplain regulations. Allan Neimayer, Planning and Zoning Administrator spoke about the amendments.

Mr. Christensen opened the floor to public comment.

Jeffery Bond, 36 Washington Street, brought up that he thought neighboring municipalities are fighting the FEMA changes. He is glad to see that Canal Winchester is not fighting the issue.

Mr. Wynkoop made a motion to close the public hearing. Mr. Vasko seconded the motion. The passed unanimously.

Mr. Wynkoop made a motion to forward Application #ZA-07-03 on the purposed Zoning Code amendments to Chapter 1177 to Council with the recommendation to adopt the amendments as presented in the June 11, 2007 draft. Mr. Vasko seconded the motion. The motion passed unanimously.

Applications #VA-07-10 The property owners and applicant, Robert and Tanja Lemieux, located at 7593 Murdock Lane. Mr. & Mrs. Lemieux are requesting a variance to the Ashbrook Village Subdivision Zoning Text regarding the rear yard setback. Andrew Dutton, Zoning Officer, gave the staff report. Mr. Lemieux was present to answer questions from the Commission.

Mr. Lemieux presented his case that his home is set back further on the property due to its irregular shape so that the home with the three-car garage would fit with the side yard requirements. This made his usable rear yard to be less than most of the rest of his neighbors.

Mr. Christensen opened the floor to public comment.

Ted Walker, 7591 Murdock Lane, stated that he is in full support of the Lemieux's putting on the addition to their home. He stated that he will not see the addition from his home at all and that it is only going to improve the property value.

Spencer Wood, 7579 Murdock Lane, he is a neighbor as well as on the board of trustees for the Ashbrook Village Homeowners association. He stated that he as well as the board is in full support of the addition.

Mark Sherman, 7595 Murdock Lane, he stated that he and his wife are also in support of the addition.

Herb Bonner, 7584 Murdock Lane, he stated that he and his wife are in full support of the Lemieux's putting the addition on the home. It will increase the value of the home.

Jeffery Bond, 36 Washington Street, if we do a variance for this property it will open it up for other property owners to also be allowed variances. He is concerned with the impervious ground water, that a large portion of the green space will be lost.

Mr. Wynkoop made a motion to close the public hearing. Mr. Vasko seconded the motion. The motion passed unanimously.

The commission discussed if this would be setting a precedent for the neighborhood.

Mr. Vasko made a motion to approve application #VA-07-10 allowing a variance to the rear yard setback as requested. Mr. Graber seconded the motion. Voting yes: Ms. Solomon and Mr. Graber. Voting no: Mr. Christensen, Mr. Wynkoop and Mr. Vasko. Mr. Christensen stated the motion was defeated by a 2-3 vote. Mr. Neimayer informed the Mr. Lemieux that he can appeal the Planning and Zoning Commission's decision to Council. He must submit a written request for an appeal with the Village Clerk within 10-days of the Commission's decision. A letter explaining this will be mailed to Mr. Lemieux.

Application #CU-07-02 The property owner Waterloo Crossing Ltd., located on the east side of Gender Road, approximately 200 feet north of Canal Street; P.I.D. # 184-003209. The applicant, Burger King Corporation, is requesting a Conditional Use under Section 1167.03 (a) for a drive-up window service associated with a Burger King restaurant. Mr. Neimayer introduced the application. Chris Strayer, Development Director, gave the staff report and referenced him memo to the Commission dated June 11, 2007. Bill Wannemacher, Construction Manager for Burger King Corporation, was present on behalf of the applicant.

Mr. Wannemacher addressed the Commission giving his reason why the precedent has already been set by other businesses with drive-up windows in the area. The building type is consistent with the types of buildings that already exist and proper access to and from the site. Jamie Leeseberg of EMH&T, agent for the applicant, disagreed with Mr. Strayer's comments regarding traffic relating to the proposed Burger King restaurant. Mr. Leeseberg does not believe that the restaurant will cause the same traffic conditions that exist across the street (west side of Gender Road).

Rodney McCloud, 6568 Buckner Street, stated he is on the Homeowners Association Board for the Villages at Westchester. Mr. McCloud spoke of the current traffic problems at Winchester Square Shopping Center and that he does not want to see the same problems on the Waterloo Crossing side of Gender Road. He also stated that Burger King emits a smell from the type of grease that they use that would be noticeable. He would rather see a nice sit down restaurant over another fast food restaurant.

Jeffery Bond, 36 Washington Street, also spoke of all the fast food restaurants on Gender Road. He would like to see a sit down restaurant. There has to be a better location for Burger King.

Jim Bohnlein, 6320 Rossmore Lane, also a board member of the Homeowners Association of Villages at Westchester. Mr. Bohnlein stated that he thinks Burger King made their own argument for putting the fast-food restaurants on the other (west) side of the Gender Road, keep traffic problems on that side of Gender Road. He would prefer to see a sit down restaurant.

Mr. Wynkoop made a motion to close the public hearing. Mr. Vasko seconded the motion. The motion passed unanimously.

The commission discussed the Conditional Use application for the drive-up window.

Mr. Wannemacher asked the Commission why they were given a staff report, which recommended approval, and then to show up tonight and have a different staff report that recommended denial. Mr. Strayer stated that it was a mix up within the Village offices, and he would be happy to make sure his office received a copy of the updated staff report.

Mr. Wannemacher brought up that they already have \$50,000.00 invested into this location in engineering fees. If this was the case why was Burger King not told about it sooner? Mr. Strayer stated that he spoke to someone at the Burger King office as well as with someone at Casto's offices about six weeks ago and explained the situation. Mr. Wannemacher then stated that they have had the engineering done on this site for at least two months if not longer and that this information should have been given to them at an earlier time.

Mr. Wynkoop made a motion to approve Application #CU-07-02 for the Conditional Use of a drive-up window as presented. Mr. Vasko seconded the motion. The motion failed unanimously.

Mr. Wynkoop made a motion to table Application #PSP-07-03 for a Preliminary Site Plan approval for a 2,640 square foot restaurant with a drive-up window service pending an appeal by the applicant to Council. Mr. Vasko seconded the motion. The motion to table #PSP-07-03 was approved unanimously.

Old Business

Mr. Wynkoop brought up about the semi-truck trailer on West Columbus Street. Mr. Neimayer stated that it is in the process of enforcement for its removal.

New Business

1. Mr. Strayer brought up that Damon Pfeifer would like to revisit the winery idea for his property on Winchester Pike. Mr. Pfeifer now would like to use a portion of the existing pole barn as the winery. The Commission discussed how the status of this project got to

where it currently is, and why the location of the project was the problem, not the project itself.

Mayor Miller spoke about the winery and the fact that it would be an asset to the Village of Canal Winchester and that the location just needed to be in the commercial area of Winchester Pike and not interfere with the residential area, including traffic in that area.

There was further discussion among the Commission, Mr. Strayer and Mr. Pfeifer. The Commission reiterated their same position on this project as stated on #CU-07-01 earlier this year.

2. Development of the Dietz Drive Park: Mr. Neimayer explained the zoning text that is currently in place for this area. He stated the issue is if this is going to be a Village park, the Village should have the authority to decide on how it is developed as apposed to the three-party arrangement that currently exists. Mr. Strayer explained the difficulty with dealing with three parties to get something done with the park. Mr. Wynkoop asked if we had approached either of the parties about the issue. Mr. Strayer stated that had not been done.

Mayor Miller stated that he spoke to the members of the Homeowners Association at their last meeting about this specific issue and asked that the members of the board to come up and give their thoughts.

Steve Boden, 7335 Crossett Court, the president of the Homeowners Association, stated that they would like to have involvement with any developments to the park area.

Mayor Miller stated that since the property has been deeded over to the Village it needs to be handled as a public park. He stated the Village would work with the Villages at Westchester Homeowner's Association on development of the park.

Planning and Zoning Administrator's Report

1. Swan Cleaners has filed an appeal to Council for the sign variance request that the Planning and Zoning Commission denied. Council's public hearing meeting on this appeal is set for July 2, 2007. Mr. Wynkoop volunteered to be present at the Council meeting on behalf of the Commission.
2. Mr. Neimayer noted that a copy of the response letter to Mr. Peacock in regards to the letter that was sent to Mayor Miller and Village Council about signage enforcement was included in the Commission's meeting packet.
3. A copy of the *Signline* publication was distributed to Commission members. This was requested by Mayor Miller.
4. Mr. Neimayer informed the Commission that new FIRM maps for Franklin County are anticipated in September 2007. FEMA's targeted effective date is September 19, 2007. FEMA is now beginning the map modernization process to include Fairfield County. Mr. Neimayer will be attending a FEMA meeting on June 20, 2007 on this.
5. Updated Zoning maps were given to all Commission members.

6. Dick Miller and the Street Tree Advisory Committee would like to have a joint meeting with the Planning and Zoning Commission to review the approved streetscape plan on West Waterloo Street. Mr. Neimayer will coordinate with Mr. Miller to schedule this meeting.
7. Issue at Canal Pointe and Howe Industrial Parkway area. The bus service garage has a gravel lot for parking, which was not included in their approved Final Site Plan. Per code, this parking area needs to be on a solid surface. Mr. Neimayer raised the question of should the code be amended to exclude industrial properties? How would the Commission like to proceed with enforcement? Mr. Strayer asked that this be tabled so that he can talk to the various owners in the industrial park area about this item.
8. Mr. Neimayer reported that Council has scheduled a public hearing on proposed Zoning Code amendments for August 6, 2007. Mr. Vasko and Mr. Wynkoop volunteered to attend that meeting on behalf of the Commission.
9. Ashbrook Village setback variance – There was another homeowner in today talking with Mr. Dutton about rear yard setbacks and the possibility of a variance.

Adjournment

Mr. Vasko made a motion to adjourn this regular meeting of the Planning and Zoning Commission. Mr. Graber seconded the motion. The motion passed unanimously.

Time Out: 8:48 p.m.

Date _____

Bill Christensen, Chairman

Mike Vasko, Secretary